

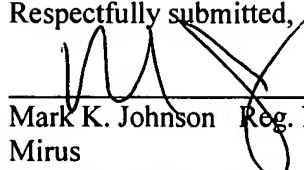
REMARKS

Rejection of the claims under 35 USC 102(b):

Claims 9 and 10 have been rejection under 35 USC 102(b) as being anticipated by The Merck Index, by Schatz et al. and by Arnold, Jr. et al. Applicants have amended the claims to obviate the rejections. Specifically, the claims have been amended to cite a "synthetic copolymer" comprising an "amine-containing monomer having affinity for nucleic acid via electrostatic interaction" and an "aminoreactive comonomer." The polylysine polymer taught by The Merck Index does not meet the limitation of a copolymer as taught on page 12 lines 1-10 in the specification. The specification teaches that two or more different monomers are used in the polymerization of a copolymer. Polylysine is a homopolymer. The polymer taught by Schatz et al. is produced in a bacterial cell and therefore does not meet the limitation of a synthetic copolymer as taught on page 15 lines 33-24 in the specification. The polymer taught by Arnold, Jr. et al. interacts with nucleic acid via Watson-Crick base paring, i.e. hydrogen bonding, and therefore does not meet the limitation of having affinity for nucleic acid via electrostatic interaction. Support for an amine-containing monomer can be found in the specification on page 15 lines 20-31. Support for a monomer having affinity for nucleic acid via electrostatic interaction can be found in the specification on page 18 line 34 to page 19 line 2, page 24 lines 14-20. Support for a polymer comprising an amine containing monomer and an amine reactive co-monomer can be found in the specification on page 26 lines 19 to page 27 line 7. In addition, examples 1-5 provide examples of the claimed synthetic copolymers.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 9-17 should be allowable.

Respectfully submitted,


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I hereby certify that this correspondence is being sent
by facsimile transmission to: Commissioner for
Patents, PO Box 1450, Alexandria, VA 22313-1450
on this date: December 8, 2003


Kirk Ekena